

REMARKS

Claims 1 - 4 are pending in the present application. By this Amendment, claims 1 - 3 have been amended and new claims 5 – 8 have been added. No new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated May 20, 2004.

Information Disclosure Statement (IDS):

It is respectfully submitted that the Examiner failed to consider the IDS filed on April 1, 2003 by the Applicant. As such, it is requested that the Examiner properly consider such IDS and provide Applicant with an initialed copy of the accompanied PTO Form-1449 filed with the IDS on April 1, 2003.

As To The Merits:

As to the merits of this case, the Examiner sets for the following rejections:

- 1) claims 1 and 2 stand rejected under 35 U.S.C. §102(b) as being anticipated by Mitsuhashi et al. (U.S. Patent No.: 5,497,193); and
- 2) claims 3 and 4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Mitsuhashi et al. in view of Anderson (U.S. Patent No.: 6,512,548).

Each of these rejections is respectfully traversed.

Independent Claim 1:

According to the amended claim 1, a moving image outputting process is performed when an instruction key is not operated, and a recording process is performed when the instruction key is operated. In the moving image outputting process, photographed moving image data of a first

resolution is output toward a monitor via an internal memory. In the recording process, photographed still image data of a second resolution higher than the first resolution is recorded to a recording medium via the internal memory.

A default image outputter outputs toward the monitor default image data when the instruction key is operated, and a determiner determines whether or not the instruction key is in an operative state after outputting the default image data. When a determination result of the determiner is affirmative, the photographed still image data is output toward the monitor by a still image outputter. On the other hand, when the determination result of the determiner is negative, the moving image outputting process is resumed by a resumer.

That is, according to the claim 1, the common internal memory is used for the moving image outputting process and the recording process. Furthermore, the resolution of the photographed still image data is higher than the resolution of the photographed moving image data, and the high resolution photographed still image data is written to the internal memory. Thereupon, if the photographed still image data is to be read out from the internal memory from the beginning of the recording process, the reading/writing process of the internal memory is broken down, or it takes a lot of time for the recording process even though the reading/writing process is not broken down.

Consequently, the default image data is outputted toward the monitor at the beginning of the recording process. Since a data amount of the default image data can be smaller than that of the photographed still image data, it is possible to avoid a breakdown of the reading/writing process or extension of the recording process needless to say in case a generating source of the default

image data is prepared besides the internal memory, in case the default image data is prepared in the internal memory and read there from. That is, by outputting the default image data at the beginning of the recording process, it is possible to assign most of the reading/writing process for the photographed still image data, and therefore, it is possible not only to avoid the breakdown of the reading/writing process but also to shorten a time period for the recording process.

However, if the time period for the recording process is shortened, a time period for outputting the photographed still image data toward the monitor is also shortened. Thereupon, it is impossible for an operator to confirm what object image has been obtained with using plenty of time.

Therefore, the state of the instruction key is determined after outputting the default image data, and the photographed still image data is output toward the monitor in case the instruction key is in the operative state. Accordingly, it is possible to carefully confirm the photographed still image. That is, the claim 1 is shortening the time period for the recording process by outputting the default image data and making it possible to carefully confirm the photographed still image by a simple operation of the operator.

Independent Claim 5:

According to the amended claim 5, an imaging device performs photo-electronic conversion on an imaging surface so as to generate image data. When an instruction key is in a non-operative state, a moving image based on a plurality of screens of the image data outputted from the imaging device is displayed on a monitor by a first displayer. When the instruction key is shifted from the non-operative state to an operative state, a single screen of the image data outputted from the imaging

device is subjected to a recording process by a recorder. A second displayer displays on the monitor a still image based on the single screen of the image data to be subjected to the recording process by the recorder;

A determiner determines whether or not the instruction key is in the operative state at a specific timing at which a next recording process by the recorder is enabled. When a determination result of the determiner is affirmative, a displaying operation of the second displayer is permitted by a controller. On the other hand, when the determination result of the determiner is negative, the displaying operation of the second displayer is prohibited by the controller.

That is, if the instruction key is in the non-operative state at the specific timing at which the next recording process by the recorder is enabled, the displaying operation of the second displayer is prohibited. Consequently, a displaying operation of the first displayer is rapidly resumed, and therefore, a quick framing operation utilizing the first displayer becomes possible.

The applied reference of Mitsuhashi et al. disclose an electronic still camera for shifting to a review mode when a depressing state of a shutter switch continues for a predetermined time period so as to display a still image of an object lastly photographed.

However, Mitsuhashi et al. fail to disclose or remotely suggest anything about using a common internal memory for outputting toward a monitor photographed moving image data and recording to a recording medium photographed still image data, or outputting toward the monitor default image data when an instruction key is operated and outputting toward the monitor one of the photographed still

image data and the photographed moving image data depending upon a state of the instruction key after outputting the default image data.

Mistubishi et al. also fail to disclose or remotely suggest anything about determining whether or not the instruction key is in an operative state at a specific timing at which a next recording process is enabled so as to permit/prohibit a displaying operation of a still image depending upon a determination result.

The applied reference of Anderson discloses to display a lastly captured image on an LCD monitor immediately after a capturing process.

However, Anderson fails to disclose or remotely suggest anything about outputting toward a monitor default image data when an instruction key is operated and outputting one of photographed still image data and photographed moving image data depending upon a state of the instruction key after outputting the default image data.

Anderson also fails to disclose or remotely suggest anything about determining whether or not the instruction key is in an operative state at a specific timing at which a next recording process is enabled so as to permit/prohibit a displaying operation of a still image depending upon a determination result.

Therefore, with regard to the combination of Mitsuhashi et al. and Anderson, as described above, each of these references fails to disclose or remotely suggest anything about outputting toward the monitor default image data when the instruction key is operated and outputting one of the photographed still image data and the photographed moving image data depending upon the state of the instruction key after outputting the default image data, or determining whether or not the instruction key is in the operative state at the specific timing at which the next recording process is enabled so as to permit/prohibit the displaying operation of the still image depending upon the determination result.

Accordingly, it is respectfully submitted that it is not possible to reach claim 1 or 5 from a combination of Mitsuhashi et al. and Anderson, and therefore, claims 1 and 5 are patentable.

Independent Claim 3:

Claim 3 calls for *a single-color image displayer to display on said monitor a single-colored image for a predetermined time after said instruction key has been operated, wherein said determination determines a state of said instruction key after lapse of the predetermined time.*

For example, as discussed in the bridging paragraph between pages 12 and 13 of the present specification, if the camera mode is selected a real-time motion image of a subject is displayed on the monitor. In this state, if the operator operates the shutter button, a still picture of the subject at the operation is recorded in a compressed state to the recording medium. Furthermore, during the time period of from depressing the shutter button to completion of recording a still image, a black image is displayed on the monitor.

With regard to these features of claim 3, the Examiner acknowledges that the primary reference of “Mitsuhashi fails to explicitly teach a single-color image to be displayed on the monitor for predetermined time after the shutter switch is pushed to capture the image.”¹

In order to compensate for the above-noted drawback and deficiencies of Mitsuhashi, the Examiner relies on the secondary reference of Anderson. More specifically, the Examiner asserts that:

Anderson teaches that in the live view mode, the digital camera will allow the user to capture an image of an object by depressing shutter button (404). When the user depressed the shutter button, there is a brief response indicated the image has been captured, such as flicker (a quick blank or single-colored image) on the LCD screen (402) (see col. 9, line 61 – col. 10, line 5).²

However, it is submitted that the Examiner is mis-characterizing the teachings of the Anderson. That is, according to Anderson, “[w]hen in the live position 422, the digital camera 110 will allow capture of an image by depressing shutter button 404. Because of the spooling of data, described above, image capture appears extremely fast to a user. Thus, when the user depresses the shutter button 404, there is a brief response indicating the image has been captured, such as a flicker, a sound, or a very brief freezing of the image on the LCD screen 402.” (Emphasis added).

In other words, while Anderson may disclose a flicker or a very brief freezing of the image on the LCD screen 402 when the user depresses the shutter button 404, Anderson fails to

¹ Please see, lines 18-20, page 3 of the outstanding Actio.

² Please see, the bridging paragraph between pages 3 and 4 of the Action.

display on the LCD screen 402 a single-colored image for a predetermined time after the shutter button 404 has been operated.

More specifically, Anderson fails to disclose or fairly suggest the features of claim 3 concerning *a single-color image displayer to display on said monitor a single-colored image for a predetermined time after said instruction key has been operated, wherein said determination determines a state of said instruction key after lapse of the predetermined time.*

In view of the aforementioned amendments and accompanying remarks, Applicant submits that the claims, as herein amended, are in condition for allowance. Applicant requests such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

Response under 37 C.F.R. §1.111
Attorney Docket No. 000921
Serial No. 09/629,982

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read 'TEB', with a long horizontal flourish extending to the right.

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